

Sills Cummis & Gross
A Professional Corporation

The Legal Center
One Riverfront Plaza
Newark, New Jersey 07102
Tel: (973) 643-7000
Fax (973) 643-6500

Jeffrey J. Greenbaum
Member
Admitted In NJ, NY
Direct Dial: 973-643-5430
Email:
jgreenbaum@sillscummis.com

101 Park Avenue
28th Floor
New York, NY 10178
Tel: (212) 643-7000
Fax: (212) 643-6500

March 28, 2024

VIA ECF

The Honorable Freda L. Wolfson
Lowenstein Sandler LLP
One Lowenstein Drive
Roseland, New Jersey 07068

**Re: Amended Brief and Declaration of Harry Sandick in Support of
JJHCS's Motion for Leave to File Amended Complaint
Johnson & Johnson Health Care Systems Inc. v. Save On SP, LLC,
Civil Action No. 22-2632 (JKS) (CLW)**

Dear Judge Wolfson:

With this letter, JJHCS respectfully submits an amended version of D.E. 220, JJHCS's Brief in Support of its Motion for Leave to Amend the Complaint ("Brief"), and D.E. 220-3, the Declaration of Harry Sandick in Support of JJHCS's Motion for Leave to File an Amended Complaint ("Sandick Declaration").

The revisions to the amended Brief and amended Sandick Declaration reflect recent developments since the submission of these papers on March 14, 2024. *First*, the amended Brief deletes one sentence from the original Brief on page 19, and the amended Sandick Declaration deletes one statement from the original declaration reflected in the third sentence of paragraph 12. Both deletions remove statements alleging that SaveOnSP failed to update its verification for several of SaveOnSP's supplemental interrogatory responses. These deletions have been made because, based on a recent submission by SaveOnSP, JJHCS now understands SaveOnSP's position to be that the certification belatedly provided by its president with its supplemental responses to Interrogatory Nos. 4 and 16 should also be deemed to apply to every other Interrogatory response. Setting aside the issue of whether or not this practice complies with Federal Rule of Civil Procedure 33(b)(5), JJHCS no longer seeks to rely on the deleted statements in the Brief or the Sandick Declaration.

Sills Cummis & Gross
A Professional Corporation

The Honorable Freda L. Wolfson
March 28, 2024
Page 2

Second, the amended Brief and the amended Sandick Declaration have been revised to reflect that Express Scripts, Inc. (“Express Scripts”) made its first custodial production on March 27, 2024 to JJHCS in response to a subpoena served in January 2023. The original Brief and original Sandick Declaration indicated, as was accurate at the time of filing on March 14, 2024, that Express Scripts had made no custodial productions. Pages 13 and 20 of the amended Brief and paragraph 15 of the amended Sandick Declaration reflect these updates.

As with the original Brief and Declaration, the amended Brief and amended Sandick Declaration are being filed under seal and are subject to JJHCS’s motion to unseal the materials accompanying its motion for leave to file the Proposed Amended Complaint. *See* D.E. 221 (JJHCS’s Notice of Motion to Unseal).

Respectfully submitted,

/s/ Jeffrey J. Greenbaum
JEFFREY J. GREENBAUM

cc: All Counsel of Record (by ECF)